

REMARKS

This communication is being filed in response to the final Office Action dated August 10, 2007. Claims 1-32 are currently pending and stand rejected. For the reasons set forth below, it is kindly requested that the rejections be reconsidered and withdrawn.

I. Discussion of the claims

The final Office Action rejected claims 1-13 and 15-32 under 35 U.S.C. § 102(e) as being anticipated by Chen (U.S. Patent Application Publication No. 2005/0102660). Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen. It is respectfully submitted that the claims are allowable over Chen, since the limitations contained in the claims are not taught by Chen.

A. Dependent claims 3, 7, 16, 20, 24, and 28

Dependent claim 3 recites that at least some of the reading, comparing, obtaining, and installing of claim 1 is automatically performed “during a boot sequence of the electronic device.” In rejecting claim 3 on pages 6-7, the final Office Action stated that Chen discloses “comparing, obtaining, and installing are done automatically by the ‘generator 107’ module.”

However, the final Office Action has failed to cite any portion of Chen that specifically describes *when* his generator 107 module allegedly performs the “comparing, obtaining, and installing,” and more specifically, fails to cite any portion of Chen that describes “at least some of the reading, comparing, obtaining, and installing” of claim 3 as being done automatically “during a boot sequence.” Indeed when citing Chen on page 7 of the final Office Action, it appears that the final Office Action disregarded and/or gave undue weight to the limitations of claim 3 that specify “during a boot sequence...”

It is apparent that Chen is completely silent as to the operation of his generator 107 module during a boot sequence. For instance, Chen provides the following description of his generator 107 module in his paragraph [0041], with no further detail as to any when such activities are performed (such as during a boot sequence as recited in claim 3) by his generator 107 module:

“...The generator 107 typically creates a software package by comparing an existing software image resident in the device memory 110 of the electronic device 111 to a newer version of the same software that may be stored in the software repository 113 or the external computer system 128. The generator 107 computes differences in the software images and creates an appropriate software package...”

The extent of Chen’s discussion of a “boot up” is found in paragraphs [0012] and [0034], where he briefly mentions firmware/software “to properly boot up” a device when powered up and to operate the device. However, it is abundantly clear that this brief mention of “boot up” in Chen is merely background information that describes the role of some of the software/firmware installed in his device, and Chen is completely silent as to his generator 107 module performing at least some of the reading, comparing, obtaining, and installing of claim 3 during a boot sequence.

Hence, claim 3 is allowable over Chen.

Dependent claims 7, 16, 20, 24, and 28 each recite “a boot sequence.” Since Chen does not disclose, teach, or suggest the recited features related to a boot sequence, claims 7, 16, 20, 24, and 28 are allowable.

B. Dependent claims 4, 14, and 21

Dependent claim 4 recites, *inter alia*, “comparing each position in the alphanumeric string (of the PCM information) with a corresponding position in a mask in the CCF.” In the prior amendment of May 22, 2007, it was argued that Chen does not meet any of these limitations.

Specifically, it was argued that Chen’s paragraph [0044] describes initializing the value of 0xFFFF (hexadecimal) throughout his memory. As explained in Chen’s paragraph [0042], each distinct binary pattern represents a different binary image package of software existing/resident in his device. Chen’s paragraph [0041] describes that a particular image (for

instance an image as represented by said 0xFFFF decimal number) of existing/resident software is compared with the image of a newer version of the software.

Thus, since Chen is comparing hexadecimal numbers to each other, he cannot meet the limitations of claim 4 that require “comparing each position in the alphanumeric string with a corresponding position in a mask.” In other words, Chen compares the hexadecimal number 0xFFFF with a hexadecimal number of the image of the newer software version—this number-to-number comparison software images of Chen, therefore, is not and cannot be a comparison with a mask as recited in claim 4.

In addressing the applicants’ previously presented arguments, page 4 of the final Office Action appears to have defined a “mask” as nothing more than a simple “alphanumeric string,” and therefore concludes that Chen’s comparison of digits/letters of two hexadecimal numbers is the same as “comparing each position in the alphanumeric string with a corresponding position in a mask,” as recited in claim 4.

This interpretation by the final Office Action of a “mask” and of Chen is respectfully traversed herein.

For instance, the present specification has described a “mask” in a manner that is more than just a simple alphanumeric string. As an example on page 10, line 21 *et seq.* of the present application, a mask may be in the form of an alphanumeric string having the characters *****1*****. The positions in the mask having the asterisks are ignored, but positions in this mask that contain an alphanumeric character (such as the “1” in seventh position) are compared against the product configuration matrix (PCM) 122, such as the CK30CA1214001804 PCM from the example provided in the present application. During the installation process when this comparison is performed, a matching “1” will be found in the seventh position in both the mask of the product configuration matrix and in the PCM 122.

The described embodiment of a “mask” is consistent with the understanding of a person skilled in the art, wherein certain positions (*e.g.*, the “1” in the example above) are of interest and certain other positions (*e.g.*, the asterisks “*” in the example above) are masked or otherwise ignored.

It is thus respectfully submitted that there is no element and/or technique disclosed, taught, or suggested by Chen that can reasonably be interpreted as a “mask.” For instance, Chen performs a straight comparison between each and every digit of a hexadecimal number—there are no portion(s) of his hexadecimal numbers that are being ignored while other portion(s) are of interest in a manner consistent with the behavior of a mask.

Accordingly, claim 4 is allowable over Chen.

Dependent claims 14 and 21 also recite a mask and related elements. Claims 14 and 21 are thus allowable over Chen as well.

C. Independent claims 1, 13, 19, 22, and 27

Independent claim 1 recites, *inter alia*, “storing at least one product configuration matrix (PCM) in the electronic device...,” “reading the PCM information,” and “comparing the read PCM information with information from a configuration control file (CCF).” It is again respectfully submitted that Chen does not disclose, teach, or suggest these features. Specifically, Chen describes the following in his paragraph [0041]:

“The generator 107 typically creates a software package by comparing an existing software image resident in the device memory 110 of the electronic device 111 to a newer version of the same software that may be stored in the software repository 113 or the external computer system 128. The generator 107 computes differences in the software images and creates an appropriate software package.”

From the above-cited passage, it is clear that Chen performs a comparison of an image of an installed piece of software to a newer version of that same software. Chen then performs a computation of the differences to determine the appropriate software package to install into his device. Accordingly, since Chen is comparing the software images themselves, Chen does not meet the limitations of present claim 1 that require “comparing PCM information with information from a configuration control file.” Stated in another way, the image-to-image

comparison of Chen is not the same as the recited comparison between PCM information and CCF information. Comparing PCM information to CCF information, in which specific characters in slots/positions are compared for example, provides a faster checking result versus an image-to-image comparison. Thus, claim 1 is allowable over Chen.

Furthermore, it is again noted that the “image” of Chen is an image of existing software resident in his device memory 110 of this electronic device 111. Nowhere does Chen disclose, teach, or suggest storing images (or any other type of information) in his device 111 that represents a software feature that can be installed (not yet installed) and then installing that software feature.

In explaining why this previously presented argument was unpersuasive, page 3 of the final Office Action stated the following:

“First, Examiner agrees with Applicant that the image of an installed software in Chen’s approach represents the software that is already present in the device. However, ... the claim language does not say that the software to be installed has not yet been installed in the device.”

This interpretation by the final Office Action of the language in claim 1 is respectfully traversed. In particular, claim 1 implicitly (if not explicitly) makes it clear that the software feature (to be installed) has not yet been installed when the PCM information is read. For instance, claim 1 first recites that the PCM includes information representative of at least one software feature that “can be installed” in the electronic device. Then, claim 1 later recites “obtaining a software feature that corresponds to the match and installing that software feature into the electronic device.”

It is therefore respectfully submitted that the pre-installed/resident software of Chen does not meet these limitations of claim 1. Thus, claim 1 is further allowable over Chen.

Independent claim 13 recites, *inter alia*, “storing first information in an electronic device that is indicative of configuration features for the electronic device; storing second

information indicative of configuration features that are available for loading into the electronic device; automatically comparing the first and second information.” It is respectfully submitted that Chen does not disclose, teach, or suggest these features. For example and as explained above, Chen compares an image of the actually installed software to a newer version of that software (an image-to-software comparison). Thus, Chen does not perform a comparison of information indicative of configuration features as recited in claim 13.

Independent claim 19 includes recitations that recite, *inter alia*, “the PCM including information representative of at least one software feature that can be installed in the electronic device,” “obtaining a configuration control file (CCF) remotely from the electronic device,” “comparing the read PCM information with information from the obtained CCF,” and “identifying at least one match between the PCM information and the CCF information.” As previously explained above by way of analogy with respect to claim 1, these limitations in claim 19 are not disclosed, taught, or suggested by Chen. For example, Chen does not perform a comparison with configuration file information.

Independent claim 22 is allowable over Chen, since Chen does not disclose, teach, or suggest the claimed means for comparing information indicative of configuration features.

Independent claim 27 is allowable since Chen does not disclose, teach, or suggest the recited PCM information representative of at least one software feature that can be installed and to be compared with information from an external configuration control file.

II. Conclusion

The Director is authorized to charge any additional fees due by way of this filing, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,
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